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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,982	09/15/2003	Anibal Diego Ramirez	1505-0160	2259
7590	09/14/2005			EXAMINER
Harold C. Moore Maginot, Moore & Bowman Bank One Center/Tower, Suite 3000 111 Monument Circle Indianapolis, IN 46204-5115			TSAI, CAROL S W	
			ART UNIT	PAPER NUMBER
			2857	
DATE MAILED: 09/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,982	RAMIREZ, ANIBAL DIEGO 	
	<b>Examiner</b>	<b>Art Unit</b>	2857
	Carol S. Tsai		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 7/25/05.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8-12, 14-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 4,918,995 to Pearman et al. in view of U. S. Patent No. 6,874,691 to Hildebrand et al.

With respect to claims 1-3 11, 12, 16, and 17, Pearman et al. disclose a metering arrangement, comprising: a meter housing configured to be securely supported proximal to a facility receiving utility commodities (see col. 1, lines 46-52); a source of gas flow signals representative of gas flow through a gas conduit to the facility (see col. 3, lines 15-40); a source of temperature signals representative of a temperature corresponding to the gas conduit (see Fig. 4 and col. 4, line 67 to col. 5, line 32); a processing circuit (electronic circuits 16 shown on Fig. 6) disposed within the meter housing, the processing circuit operably connected to the source of energy signals to receive energy signals therefrom, the processing circuit operably connected to the source of gas flow signals to received gas flow signals therefrom, the processing circuit operably connected to the source of temperature signals to receive temperature signals therefrom,

the processing circuit operable to generate gas consumption information based on the received gas flow signals and the received temperature signals (see col. 4, line 67 to col. 5, line 32; col. 10, line 7 to col. 11, line 27; and col. 11, line 45 to col. 13, line 10).

Pearman et al. do not disclose a source of energy signals representative of electrical energy received by the facility.

Hildebrand et al. do not disclose expressly a source of energy signals representative of electrical energy received by the facility.

It is, however, considered inherent that Hildebrand et al. represents a source of energy signals of electrical energy received by the facility (see col. 1, lines 30-36), because such representing is known to be necessary in order that electrical energy consumption metering information from the energy signals can be generated.

Pearman et al. do not disclose generating electrical energy consumption metering information from the energy signals.

Hildebrand et al. teach generating electrical energy consumption metering information from the energy signals (see col. 1, lines 30-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Pearman et al.'s method to include generating electrical energy consumption metering information from the energy signals, as taught by Hildebrand et al., because a typical existing energy management system including temperature sensors placed about the building for monitoring the indoor air temperature, an outdoor temperature sensor for monitoring the outdoor air temperature, flow meters for measuring natural gas usage, and current or watt meters for measuring electrical consumption (see Hildebrand et al. col. 1, lines 30-36).

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As to claims 8 and 9, Pearman et al. disclose operable to obtain an uncorrected gas volume value from the received gas flow signals; obtain an average temperature value from the received temperature signals; and generate corrected gas flow information at least in part by multiplying the uncorrected gas volume value by a second value that is equal to the ratio of the reference temperature to the average temperature value (see col. 10, line 67 to col. 11, line 27).

As to claims 10 and 19, Pearman et al. also disclose operably connected to a source of pressure signals to receive pressure signals therefrom, the processing circuit further operable to generate corrected gas flow information based on the received gas flow signals, the received temperature signals and the received pressure signals (see col. 9, lines 42-45).

As to claims 14 and 15, Pearman et al. also disclose at least one current transformer being affixed to the housing (see col. 7, lines 3-25).

As to claim 20, Pearman et al. also disclose communicating the gas consumption information external to the meter housing (see Abstract, lines 8-11; col. 7, lines 13-25; and col. 8, line 67 to col. 9, line 8).

4. Claims 4-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearman et al. in view of Hildebrand et al. as applied to claims 1 and 11 above, and further in view of U. S. Patent No. 5,343,758 to Ingrain et al.

As noted above, Pearman et al. in combination with Hildebrand et al. teach all the features of the claimed invention, but do not disclose a source of pulsed gas flow signals, each pulsed gas flow signal having a frequency that corresponds to a detected gas flow quantity.

Ingrain et al. teach a source of pulsed gas flow signals, each pulsed gas flow

signal having a frequency that corresponds to a detected gas flow quantity (see Fig. 3; col. 2, line 62 to col. 3, line 2; col. 5, lines 53-68; and col. 7, lines 47-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Pearman et al. in combination with Hildebrand et al.'s method to include a source of pulsed gas flow signals, each pulsed gas flow signal having a frequency that corresponds to a detected gas flow quantity, as taught by Ingrain et al., in order to determine parameters characteristic of the gas on the basis of said evaluation and on the basis of pressure, temperature, and flow measurements performed on the gas (see Ingrain et al. col. 2, lines 63-67).

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearman et al. in view of Hildebrand et al. as applied to claim 17 above, and further in view of U. S. Patent No. 4,829,449 to Polesnak.

As noted above, Pearman et al. in combination with Hildebrand et al. teach all the features of the claimed invention, but do not disclose employing a first routine in the processing circuit to accumulate gas consumption pulses; employing a second routine in the processing circuit to accumulate temperature pulses; employing a third routine in the processing circuit to generate gas consumption information based on the accumulated gas consumption pulses and the accumulated temperature pulses.

Polesnak teaches employing a first routine in the processing circuit to accumulate gas consumption pulses; employing a second routine in the processing circuit to accumulate temperature pulses; employing a third routine in the processing circuit to generate gas

consumption information based on the accumulated gas consumption pulses and the accumulated temperature pulses (see col. 10, line 63 to col. 11, line 27 and col. 16, lines 20-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Pearman et al. in combination with Hildebrand et al.'s method to include employing a first routine in the processing circuit to accumulate gas consumption pulses; employing a second routine in the processing circuit to accumulate temperature pulses; employing a third routine in the processing circuit to generate gas consumption information based on the accumulated gas consumption pulses and the accumulated temperature pulses, as taught by Polesnak, in order to provide corrected indications of gas flow at base conditions of temperature and pressure.

*Response to Arguments*

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

*Contact Information*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

cswt  
September 09, 2005



Carol S. W. Tsai  
Primary Examiner  
Art Unit 2857